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Richard E. Kurtz WOODCOCK WASHBURN KURTZ		MEHRA, INDER P			
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Philadelphia, PA 19103			DATE MAILED: 04/19/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application	No.	Applicant(s)				
Office Action Summary		09/905,014		SPADARO ET AL.				
		Examiner		Art Unit				
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THE - Exte after - If the - If NC - Failt Any	ORTENED STATUTORY PERIOD FOR REPL MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. a period for reply specified above is less than thirty (30) days, a reput period for reply is specified above, the maximum statutory period re reply within the set or extended period for reply will, by statut reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event oly within the statuto I will apply and will te, cause the applic	, however, may a reply be timery minimum of thirty (30) days expire SIX (6) MONTHS from ation to become ABANDONE	nely filed s will be considered time the mailing date of this co				
Status								
1) 又	Responsive to communication(s) filed on 13 J	July 2001.						
·	∴ Responsive to communication(s) flied on <u>13 July 2001</u> . ∴ This action is FINAL. 2b) ∑ This action is non-final.							
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· _	ion of Claims							
5)□ 6)⊠ 7)□	Claim(s) <u>1-52</u> is/are pending in the application 4a) Of the above claim(s) is/are withdra Claim(s) is/are allowed. Claim(s) <u>1-52</u> is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/or	awn from cons						
Applicat	ion Papers							
· ·	The specification is objected to by the Examina The drawing(s) filed on 13 July 2001 is/are: a		or b)□ objected to b	y the Examiner.				
, _	10)⊠ The drawing(s) filed on <u>13 July 2001</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
11)	Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the E							
Priority (under 35 U.S.C. § 119							
a)	Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority documen 2. Certified copies of the priority documen 3. Copies of the certified copies of the priority documen application from the International Burea See the attached detailed Office action for a list	nts have been nts have been prity documen nu (PCT Rule	received. received in Application ts have been receive 17.2(a)).	on No d in this National	Stage			
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1) Notic	e of References Cited (PTO-892)	. 4) Interview Summary					
3) 🔯 Infori	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date <u>9/20/01,6/15/04</u> .		Paper No(s)/Mail Da) Notice of Informal Pa) Other:		O-152)			

DETAILED ACTION

1. This office action is in response to Application filed 7/13/01 including amendment to claims. Based on this amendment dated: 7/13/01, claims 1-52 are pending.

Drawings

- 2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Claims 1, 12, 26, 32 and 43 recite "voice over IP network", "switching means", "ethernet network interface", which are not shown in drawings. Therefore, corrections must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. If WAN is VOIP network, it should indicate so. Refer to specification page 4 lines 21-22.
- 3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show VOIP network, refer to page 2 lines 20-21 and page 3 line8 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claims 1-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation " the control of said telephones" in line 4. There is no antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said telephone instruments" in line 8. There is no antecedent basis for this limitation in the claim

Claim 2 recites the limitation "the programming" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Note: There are similar problems that exist in rest of the claims. All of these should be corrected.

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Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 4, 6-7, 12, 14-17, 26, 27, 32-33, 36, 41-43, 47-48 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung

For claims 1, 6, 12, 17, 26,32-33, 36, 41-43 and 47-48, Kung discloses "a controlled public telephone communications system, (The IP central station may be configured to store various control and system information such as location, address, and/or configurations of one or more broadband residential gateways 300, as well as other <u>routing</u> and call set-up information, refer to paragraph 0038); comprising,

a plurality of telephones at a given site (These voice networks are referred to as a public switched telephone network (PSTN) or plain old telephone service (POTS), refer to paragraph 0003; Referring to FIG. 1, an exemplary embodiment of a broadband network 1. The broadband network generally provides interconnection between a plurality of customer locations utilizing various interconnection architectures including Internet Protocol (IP) based network, refer to paragraph 0026);

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between the various devices, as recited by claim 41 also, refer to paragraphs 0036, 0037, 0055, for switching (paragraphs 0040,0044), accessing (paragraph 0006 and abstract), routing, as recited by claims 33 and 48 also, (paragraph 0037, 40, 44, and 57), timing (paragraph 0044, 48 and 67), billing, as recited by claims 36 and 47, (paragraph 35, 39 and 63), and the control of said telephones (figs. 2 and 3 and paragraphs 27 and 55), said telephones (106, 108, 110 and PSTN) being connected to said computer (200 in fig. 4);

- an off site public switched telephone network, as recited by claims 6, 17, and 42
 also, (160 in fig. 1, 2);
- a Voice over Internet Protocol (VolP) network (analog voice may be converted to digital data and packetized for transmission in an appropriate output protocol such as an Internet protocol (IP), refer to paragraph 0028); and
- switching means for selectively connecting said telephone instruments with said

 Voice over Internet Protocol network (analog voice may be converted to digital data

 and packetized for transmission in an appropriate output protocol such as an Internet

 protocol (IP), refer to paragraph 0028, 142, 144 and 120 in fig. 1));
- an Ethernet network interface at said site, as recited by claim 12 (refer to paragraph 0068);
- a processor-based system coupled to said VolP gateway and disposed remotely with thereto, said processor-based system providing call control for controlling communications between said plurality of telephone terminals and said user terminals

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external to said prison facility, as recited by claim 32, (Alternatively, the user may use system memory in IP central (processor) and buffer data remotely, refer to paragraph 0093).

For claims 2, 4, 13, 16, 27 and 52, Kung discloses "2. (Original) The system recited in claim 1 wherein the programming for said control computer is distributed to remote locations over said Voœ network (distributed processing controller 306 which may be a microprocessor and/or one or more interconnected distributed processing modules for controlling the broadband residential gateway 300, refer to paragraph 0081). Further, Kung discloses Ethernet connection, as recited by claim 13, (interface or port connection), refer to paragraph 0027.

For claims 7 and 15, Kung discloses "wherein said off site switched telephone network is a Private Branch Exchange" (PBX 146 in fig. 1); and "a data exchange network interconnecting said sites over said Ethernet network", as recited by claim 15, refer to PBX 146 in fig. 1 and paragraph 0027 for Ethernet LAN.

For claim 14, Kung discloses "a plurality of said sites; said sites being interconnected over said Ethernet network, refer to LAN which is Ethernet based, refer to paragraph paragraph 0027.

Claim Rejections - 35 USC § 103

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the

manner in which the invention was made.

9. Claims 3 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et

al (US Patent Application No. 2003/0133558), hereinafter, Kung in view of Cell Jr. (US Patent

No. 6,876,647), hereinafter, Cell.

For claims 3 and 22, Kung discloses all the limitations of subject matter with the

exception of the following limitation, which is disclosed by Cell, as follows:

• wherein said programmable control computer further comprises a Voœ gateway for

servicing and control of Voœ communications (A machine readable storage, having

stored thereon a computer program for streaming voice data, said computer program

having a plurality of code sections executable by a machine for causing the machine

to perform the steps of: establishing a plurality of voice call connections with a voice

over IP (VoIP) gateway), refer to claim 17).

It would have been obvious to the person of ordinary skill in the art at the time the

invention to use programmable control computer further comprising a Voice gateway for

servicing and control of Voice communications. This capability can be implemented by

combining VOIP gateway into IP central station. The motivation for using VOIP gateway in IP

central station is to establish a voice call connection with a VoIP gateway; and receiving audio

data from a network source.

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10. Claims 4 and 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al (US Patent Application No. 2003/0133558), hereinafter, Kung in view of Vo et al (US Patent No. 6,795,444), hereinafter, Vo.

For claims 4 and 5, Kung discloses all the limitations of subject matter with the exception of the following limitation, which is disclosed by Vo, as follows:

- a plurality of said given sites (270 and 272), at least one programmable control computer (MCU 280) at each site, said sites being interconnected over said Voip network (108), as recited by claim 4, refer to fig. 2A.
- a data exchange network interconnecting said sites, said telephone communications systems being integrated into said data exchange network, as recited by claim 5, (hubs/bridges 286A through 286D).

It would have been obvious to the person of ordinary skill in the art at the time the invention to use a plurality of said given sites (270 and 272); at least one programmable control computer (MCU 280) at each site; said sites being interconnected over said Voip network (108). This capability can be implemented by combining programmable computer in each station. The motivation for using VOIP is to establish a voice call connection with a VoIP gateway; and receiving audio data from a network source.

11. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung'558 in view of **Kung et al** (US Patent No. 6,816,469), hereinafter, Kung'469

For claims 8 and 18, Kung'558 discloses all the limitations of subject matter with the

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exception of the following limitation, which is disclosed by Kung'469, as follows:

wherein said control computer includes: a third party call detect system (This may
include providing a first call between a first party and a second party, receiving a first
request from a third party to provide a call waiting call between the third party and
the first party, refer to col. 2 lines 9-11.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use a third party call detect system. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a voice call connection and receiving audio data from a network source.

12. Claims 9, 21, 35 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al (US Patent Application No. 2003/0133558), hereinafter, Kung'558 in view of Kung et al (US Patent No. 6,687360), hereinafter, Kung'360.

For claims 9, 21, 35 and 49, Kung'558 discloses all the limitations of subject matter with the exception of the following limitation, which is disclosed by Kung'360, as follows:

wherein said control computer includes: a system responsive to personal
identification numbers (PIN keyed into said telephones for authorizing stored
permitted telephone usage associated with individual PIN numbers (the subscriber
dials a toll-free number for location registration using either a <u>PIN</u> or some other
personal information that uniquely identifies the subscriber, refer to col. 29 lines 4560.

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It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of a system responsive to personal identification numbers (PIN keyed into said telephones. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to identify the caller and establish a voice call connection and receiving audio data from a network source.

13. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al (US Patent Application No. 2003/0133558), hereinafter, Kung'558, and Cell Jr. (US Patent No. 6,876,647), hereinafter, Cell, and further, in view of Pandharipande (US Patent No. 6,529, 500), hereinafter, '500.

For claims 10 and 11, Kung'558 and Cell discloses all the limitations of subject matter with the exception of the following limitation, which is disclosed by '500, as follows:

• wherein said gateway is an internal gateway, as recited by claim 10; wherein said gateway is an external gateway shared with other Voice devices outside of said control computer, as recited by claim 11, refer to col. 4 line 48 through col. 5 line 8.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of a gateway having internal and external interface with other devices. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a voice call connection and receiving audio data from a network source.

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14. Claims 23, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al (US Patent Application No. 2003/0133558), hereinafter, Kung and Cell Jr. (US Patent No. 6,876,647), hereinafter, Cell, further, in view of, Weitz (US Patent No. 6,445,682)

For claims 23, 27-29, Kung558 and Cell disclose all the limitations of subject matter with the exception of the following limitation, which is disclosed by Weitz, as follows:

- wherein said VOIP gateway includes voice compression and packetization, as recited
 by claims 23, and 27, refer to col. 44 line 45 through col. 45 line 15.
- wherein a second VOIP gateway includes decompression and depacketization, as
 recited by claim 28, refer to col. 44 line 45 through col. 45 line 15.
- VOIP gateway includes an Ethernet network interface, as recited by claim 29, refer
 to col. 44 line 45 through col. 45 line 15

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of packetization. This capability can be implemented by combining into IP central station. The motivation for using packetization is to establish a voice call connection with a VoIP gateway; and receiving audio data from a network source.

15. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al, hereinafter, Kung, Cell Jr., hereinafter, Cell, and Weitz, further, in view of Pogossiants et al (US Patent Application No. 2001/0028649), hereinafter, '649.

For claim 30, Kung558, Cell and Weltz disclose all the limitations of subject matter with the exception of the following limitation, which is disclosed by '649, as follows:

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• a third party call detection system; and a public switched telephone network, said third party call detection system being between said second VOIP gateway and said public switched telephone network, refer to fig. 6, paragraphs 0025 and 0090).

It would have been obvious to the person of ordinary skill in the art at the time the invention to use the capability of a third party call detection system; and a public switched telephone network, said third party call detection system being between said second VOIP gateway and said public switched telephone network. This capability can be implemented by combining it into IP central station,. The motivation for using packetization is to establish a voice call connection with a VoIP gateway; and receiving audio data from a network source.

16. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al** (US Patent Application No. 2003/0133558), hereinafter, Kung'558, and **Kung et al** (US Patent No. 6,816,469), hereinafter, Kung'469, further, in view of **Minert et al** (US Patent Application No. 2002/0141386), hereinafter, Minert.

For claim 19, Kung'558 and Kung'469 disclose all the limitations of subject matter with the exception of the following limitation, which is disclosed by Minert, as follows:

wherein said VOIP gateway is disposed between said telephone and said VOIP
network; and a second VOIP gateway between said VOIP network and said offsite
public switched telephone network, refer to fig. 2 and paragraph 0039.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of VOIP gateway is disposed between said telephone and said VOIP network; and a second VOIP gateway between said VOIP network and said offsite public

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switched telephone network This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

17. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al**, hereinafter, Kung'558, and **Kung et al**, hereinafter, Kung'469, further, in view of **Minert et al**, hereinafter, Minert and **Pogossiants et al** (US Patent Application No. 2001/0028649), hereinafter, '649.

For claim 20, Kung'558, Kung'469, '649 disclose all the limitations of subject matter with the exception of the following limitation, which is disclosed by '649, as follows:

wherein said third party call detection is performed between said second VOIP
gateway (PBX telephony switch, refer to paragraph 0025) and said public switched
telephone network 617, refer to fig. 6, paragraphs 0025 and 0090).

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of third party call detection. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephone calling.

18. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al, hereinafter, Kung'558, Kung et al, hereinafter, Kung'469, and Minert et al, hereinafter, Minert and further, in view of Weitz (US Patent No. 6,445,682).

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For claims 24 and 25, Kung'558, Kung'469 and Minert disclose all the limitations of subject matter with the exception of the following limitation, which is disclosed by Weitz, as follows:

- wherein said second Voœ gateway includes decompression and depacketization, refer to col. 44 line 45 through col. 45 line 15.
- wherein said VOIP gateway includes an Ethernet network interface, refer to col. 44
 line 45 through col. 45 line 15.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of Voœ gateway includes decompression and depacketization and VOIP gateway includes an Ethernet network interface. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

19. Claims 34, 37, 39, 44-45 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung et al**, hereinafter, Kung'558, over **Gainsboro** (US Patent No. 6,611,583).

For claims 34, 37, 39, 44-45 and 50, Kung'558 discloses all the limitations of subject matter with the exception of the following limitation, which are disclosed by Gainsboro, as follows:

wherein said call control provided by said processor-based system comprises
 telephone usage restriction checking, as recited by claim 34, (refer to col. 7 lines 17-42.

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 wherein said call control provided by said processor-based system comprises call monitoring, as recited by claim 37, (refer to col. 7 lines 17-42.

• wherein said call fraud detection comprises three-way call detection, as recited by claims 39, 44-45, and 50, (refer to col. 6 line 53-col. 7 line 15.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of call control provided by said processor-based system comprises telephone usage restriction checking, monitoring and three way call detection. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

20. Claims 38-39 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al, hereinafter, Kung'558, in view of Peel et al (US Patent No. 5,907,602).

For claims 38, 39 and 51, Kung'558 discloses all the limitations of subject matter with the exception of the following limitation, which are disclosed by Peel, as follows:

- wherein said call control provided by said processor-based system comprises call
 fraud detection, as recited by claim 38, refer to col. 33 lines 14 -24.
- wherein said call fraud detection comprises three-way call detection as recited by
 claim 39 and 51, refer to col. 33 lines 14 -24.

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of call control provided by said processor-based system comprises call fraud detection, . This capability can be implemented by combining it in IP central station,

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as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

21. Claims 40 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kung** et al, hereinafter, Kung'558, in view of **Ziegler et al** (US Patent Application No.2003/0023714), hereinafter, Zeigler.

For claims 40 and 46, Kung'558 discloses all the limitations of subject matter with the exception of the following limitation, which are disclosed by Zeigler, as follows:

 wherein said processor-based system provides real time call recording, refer to paragraph 0013

It would have been obvious to the person of ordinary skill in the art at the time the invention to use capability of processor-based system provides real time call recording. This capability can be implemented by combining it in IP central station, as taught by Kung'558. The motivation for using VOIP is to establish a VOIP telephoning calling.

Allowable Subject Matter

22. Claims 31 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art of Record

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Perkins et al (US Patent No. 6,496,477) discloses a process of sending real time information from a sender computer to a receiver computer by a packet network.

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner

Val Mehra 4/9/05

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